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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4388/2017
RAVINDER @ BINNU Petitioner
Through: Mr. Raj Kumar, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent
Through: Mr. Panna Lal Sharma, APP for State
with SI Upender, PS New Ashok
Nagar.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
06.02.2018

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CRL.M.A. 17597/17

Exemption allowed, subject to just exceptions.

CRL.M.C. 4388/2017

Vide the present petition, the petitioner seeks quashing of the FIR no. 783/2015, PS New Ashok Vihar, Delhi under Sections 323/354C/509/506 of Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioner and the respondent no. 2 vide a compromise deed dated 30.09.2017 executed between them.

The Investigating Officer of the case is present today and stated that he identified the petitioner and the respondent no. 2/complainant after seeing their documentary proofs, i.e., photocopy of the Election Commission Card of the petitioner and photocopy of the Aadhar Card of the respondent no. 2

which are on the record as Ex. CW1/A and Ex. CW1/B respectively, originals of which are seen and returned. He has also stated that the petitioner Ravinder @ Binnu is the sole accused arrayed in the FIR no. 783/2015, PS New Ashok Vihar, Delhi under Sections 323/354C/509/506 of Indian Penal Code, 1860 .

The respondent no.2, the complainant of the said FIR in her examination on oath by the Court has affirmed her thumb impression on her affidavit annexed to the petition at points A and B thereon on Ex. CW2/A. She also testified to the effect that the compromise deed dated 30.09.2017 bears her thumb impression at point A on each page thereon on Ex. CW2/B which she has put of her own accord without any duress, coercion or pressure from any quarter. She has stated that the petitioner is a neighbour of hers and she also stated that the petitioner has since apologized to her, and thus she does not oppose the prayer made by the petitioner seeking quashing of the FIR no. 783/2015, PS New Ashok Vihar, Delhi under Sections 323/354C/509/506 of Indian Penal Code, 1860. The respondent No.2 further stated that she also does not want him to be punished in relation thereto and that she has made her statement voluntarily of her own accord without any duress, pressure or coercion from any quarter and that she has likewise signed on Ex. CW2/B voluntarily.

The petitioner has also in his examination on oath by the Court affirmed having signed the compromise deed dated 30.09.2017 at point B on each page thereon on Ex. CW2/B and stated that he has signed it voluntarily. He further undertook not to harass the respondent no. 2 in any manner and also undertook to abide by the terms of the settlement deed and stated that

he had apologized to the respondent no. 2. He further stated that he had made his statement voluntarily of his own accord without any duress, pressure or coercion from any quarter.

On behalf of the State, learned APP in the circumstances of the case and in view of the settlement arrived at between the parties, does not oppose the prayer made by the petitioner seeking quashing of the FIR in question and all consequential proceedings emanating therefrom.

In view of the deposition of the respondent no. 2, in view of the factum that the petitioner and the respondent no. 2 are neighbours and for the maintenance of peace and harmony between the petitioner and the respondent no. 2 and that the respondent no. 2 would not be harassed any further by the petitioner, the FIR in question, i.e., FIR no. 783/2015, PS New Ashok Vihar, Delhi under Sections 323/354B/509/506 of Indian Penal Code, 1860 and in relation to which charge sheet is indicated to have been submitted with the original FIR registered under Section 323/354C/509/506 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 06, 2018
Neha Chopra

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Statement of CW1 : SI Upender, PS New Ashok Nagar, Delhi.

ON S.A.

After seeing the documentary proof of the petitioner and the complainant/ respondent no. 2, I identify them. The petitioner Ravinder @ Binnu being the sole accused arrayed in the FIR no. 783/2015, PS New Ashok Vihar, Delhi under Sections 323/354C/509/506 of Indian Penal Code, 1860 . The proof of identity of the petitioner in the form of photocopy of Election Commission Card and photocopy of the Aadhar Card of the respondent no. 2 are on the record as Ex. CW1/A and Ex. CW1/B respectively. (Originals seen and returned.)

ANU MALHOTRA, J

**RO & AC
FEBRUARY 06, 2018**

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Statement of CW2 : Ms. X, w/o Shri Rohtash, aged 50 years, r/o Kondli Village, Near Govt. School, Delhi.

ON S.A.

I am not educated. I am a house wife. My affidavit annexed with the petition bears my thumb impression at points A and B thereon on Ex. CW2/A. The compromise deed dated 30.09.2017 bears my thumb impression at point A on each page thereon on Ex. CW2/B which I have put up of my own accord without any duress, coercion or pressure from any quarter . The petitioner is my neighbour and as the petitioner has since apologized to me, I do not oppose the prayer made by the petitioner seeking quashing of the FIR no. 783/2015, PS New Ashok Vihar, Delhi under Sections 323/354C/509/506 of Indian Penal Code, 1860. I do not want him to be punished in relation thereto.

I have made this statement voluntarily of my own accord without any duress, pressure or coercion from any quarter and I likewise signed on Ex. CW2/B voluntarily.

ANU MALHOTRA, J

**RO & AC
FEBRUARY 06, 2018**

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Statement of CW3 : Mr.Ravinder @ Binnu, s/o Shri Radhey, aged 40 years, r/o H. NO. 70 Kondli Village, Delhi.

ON S.A.

The compromise deed dated 30.09.2017 bears my signatures at point B on each page thereon on Ex. CW2/B and I have signed it voluntarily. I undertake not to harass the respondent no. 2 in any manner and I undertake to abide by the terms of the settlement deed. I have apologized to the respondent no. 2.

I have made this statement voluntarily of my own accord without any duress, pressure or coercion from any quarter

ANU MALHOTRA, J

**RO & AC
FEBRUARY 06, 2018**